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Certification of Notice

The undersigned hereby certifies the attached "Public Notice of Hearing" regarding the City of El Mirage's application to upgrade the existing crossing of the Burlington Northern and Santa Fe Railway at the intersection of Dysart and Thunderbird Roads at AAR/DOT No. 025-704-F, Docket No. RR-02635B-09-0389 was posted and/or published in the following manner on the following dates:

I. Publication: *Daily News Sun* Publication Date: September 18, 2009

II. Posting: Posting Date: September 17, 2009

1. City of El Mirage Lobby Area, 12145 N.W. Grand Ave.
2. City of El Mirage City Clerk's Office, 12145 N.W. Grand Ave.
3. City Community Services Department, 14010 N. El Mirage Road
4. Maricopa County Library, 14011 N. First Avenue, El Mirage

III. City Website: Date of Posting: September 16, 2009

I hereby certify the above information is true and accurate.


Dated this 28th day of September, 2009.



Michael Standish

Arizona Corporation Commission
DOCKETED

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AZ CORP COMMISSION
DOCKET CONTROL

PUBLIC NOTICE OF THE HEARING IN THE MATTER OF THE APPLICATION OF THE CITY OF EL MIRAGE TO UPGRADE AN EXISTING CROSSING OF THE BURLINGTON NORTHERN AND SANTA FE RAILWAY AT THE INTERSECTION OF DYSART ROAD AND THUNDERBIRD ROAD IN THE CITY OF EL MIRAGE, MARICOPA COUNTY, ARIZONA, AT AAR/DOT NO. 025-704-F.

(DOCKET NO. RR-02635B-09-0389)

On August 11, 2009, the City of El Mirage ("City") filed with the Arizona Corporation Commission ("Commission") an application for approval for the Burlington Northern and Santa Fe Railway Company ("Railroad") to upgrade an existing crossing at the Railroad's tracks at the intersection of Dysart Road and Thunderbird Road, in El Mirage, Arizona, at AAR/DOT No. 025-074-F.

The application is available for inspection during regular business hours at the offices of the Commission in Phoenix, Arizona, at 1200 West Washington Street, Phoenix, Arizona, and on the internet via the Commission website (www.azcc.gov) using the e-docket function.

The Commission will hold a hearing on this matter commencing **on October 29, 2009, at 9:30 a.m.**, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona. Public comments will be taken on the first day of the hearing.

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Intervention shall be permitted to any person entitled by law to intervene and having a direct and substantial interest in the matter. Persons desiring to intervene must file a written motion to intervene with the Commission, which motion should be sent to Applicant or its counsel and to all parties of record, and which, at the minimum, shall contain the following:

1. The name, address, and telephone number of the proposed intervener and of any party upon whom service of documents is to be made if different than the intervener.
2. A short statement of the proposed intervener's interest in the proceeding (e.g., a customer of Railroad, a neighboring property owner, a crossing user, etc.).
3. A statement certifying that a copy of the motion to intervene has been mailed to the Applicant or its counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before **October 9,**

2009. The granting of intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any customer from appearing at the hearing and making a statement on such customer's own behalf.

If you have any questions about this application, you may contact the Applicant by calling Lance Calvert, Public Works Director/City Engineer, City of El Mirage, at 623-876-2971. If you wish to file written comments on the application or want further information on intervention, you may write the Consumer Services Section of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007, call 602-542-4251 or 1-800-222-7000, or appear at the hearing and make comment.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting Shaylin Bernal, ADA Coordinator, voice phone number 602-542-3931, e-mail SABernal@azcc.gov. Requests should be made as early as possible to allow time to arrange the accommodation.